

Appl. No. 09/814,607  
Response dated October 8, 2007

PATENT APPLICATION  
Docket No. 36360/1.14 (US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	09/814,607
Applicant:	Rick V. Murakami, et al.
Title:	METHODS FOR BIOMETRIC AUTHENTICATION THROUGH LAYERING BIOMETRIC TRAITS
Filed:	March 22, 2001
TC/A.U.	2131
Examiner	Aravind K. Moorthy
Docket No.	36360/1.14 (formerly 9437.15)
Customer No.	32642
Confirmation No.	4149

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 C.F.R. 1.137(b)**

This paper is submitted in response to the Office of Petitions' Decision on Petition under 37 CFR 1.137(b), mailed August 31, 2007, in the above-referenced matter. The Office initially dismissed the petition because the Petitioner allegedly failed to satisfy the requirement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37.C.F.R. 1.137(b) was unintentional.

Petitioner submitted a statement, signed by counsel, that the entire delay in filing was unintentional. The Decision on Petition, however, found that submitted statement did not satisfy the requirement because it was not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

The Decision on Petition also identifies three periods to be considered during evaluation of a petition under 37 C.F.R. 1.137: (A) the delay in reply that originally resulted in the

abandonment; (B) the delay in filing an initial petition to revive the application; and (C) the delay in filing a grantable petition to revive the application.

To account for the delay that originally resulted in abandonment, Petitioner submits with this Renewed Petition a signed declaration of Mr. Larry V. Lunt under 37 C.F.R. 1.132. Mr. Lunt is a person in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue because he was the sole controlling shareholder of Tarian LLC, the original Assignee of the application at issue. The declaration provides the facts, circumstances, and dates surrounding the delay and supports Petitioner's contentions that the delay was unintentional. Specifically, the declaration sets forth that Mr. Lunt was engaged in military duty from immediately following the attacks of September 11, 2001 to November of 2003 when he retired, and was therefore unable to effectively monitor what resulted in a failed sale of the intellectual property rights in the invention of the application at issue (the "Assets"). The Notice of Abandonment was mailed on October 1, 2003, one month prior to Mr. Lunt completing his military service.

With respect to the delay in filing an initial petition to revive the application, Mr. Lunt's declaration states that he continued under the presumption that the Assets had been sold until approximately December of 2004, when he was informed that the alleged buyer no longer controlled the Assets. The alleged buyer's former counsel had foreclosed on an attorney's lien on Assets to collect payment of legal fees and was selling the Assets.

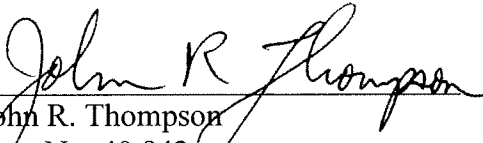
Ownership of the Assets did not transfer back to an entity controlled by Mr. Lunt until December 14, 2006. The petition to revive was filed shortly thereafter on January 30, 2007.

Petitioner respectfully submits that there has been no delay with regards to the period identified in (C) above, namely filing a grantable petition to revive the application. Petitioner has been diligent and timely in every way after discovering the unintentional delay that originally resulted in abandonment, in filing the original petition, and in responding to the Decision on Petition of August 31, 2007.

The application is now believed to be complete and ready for examination. If the Office of Petitions has further questions regarding this issue, please contact the undersigned.

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Respectfully submitted,

  
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Date: October 8, 2007

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